

Serial Number 10/673,650

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REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1-10 are pending in the present application, all of which stand currently rejected.

Claim Objections:

The Examiner objected to Claims 1-10 because of an informality. Applicants have corrected a typographical error, and deleted the misspelled "guidwire".

35 U.S.C. §102:

The Examiner rejected Claims 1-6, 9 and 10 under 35 U.S.C. §102(b), with reference to Keith (5,217,482).

However, Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the claims. For example, Claim 1 includes the following limitations, among others:

a hypotube having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, *and a distal portion with an arcuate cross-section;*

an inner tubular body having a proximal and distal end, and defining a proximal and distal guidewire port at each end respectively, and a guidewire lumen extending between the guidewire ports;

an outer tubular body having a proximal and distal end, and surrounding at least a portion of the inner tubular body;

the proximal ends of the inner and outer tubular bodies being affixed together and sealed to the hypotube at a point defined at or near a transition between the intermediate and distal portions of the hypotube;

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an inflation lumen extending from a proximal end of the hypotube, through the hypotube proximal and intermediate tubular portions, and through an annular space between the outer and inner tubular bodies, into an interior of the balloon;

the distal portion of the hypotube extending a distance into the outer tubular body;

providing a transition in flexibility between the tubular portions of the hypotube to the inner and outer bodies;

the balloon catheter thus having a rapid-exchange configuration.

With particular reference to the Keith reference, item 74B is both tubular and indented, as is indicated in Figure 3 of the Keith reference. Accordingly, it fails to teach or suggest the hypotube component of the present invention, "having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, and a distal portion with an arcuate cross-section" which extends "a distance into the outer tubular body; providing a transition in flexibility between the tubular portions of the hypotube to the inner and outer bodies".

For clarity, the term "arcuate" describes cross-sections such as shown in Figures 13, 14, and 20, which are not tubular and do not define a lumen. The combination of features of the present invention, including the hypotube having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, and a distal portion having an arcuate cross-section, provide the desired smooth transition flexibility.

35 U.S.C. §103:

The Examiner rejected Claims 7 and 8 under 35 U.S.C. §103(a) over Keith in view of Ressemann (5,425,711). Applicants respectfully submit that the cited references fail to teach or suggest the present invention as recited in the Claims, for the reasons set forth above.

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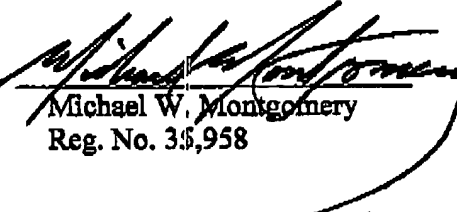
Accordingly, Applicants respectfully request the Examiner to allow the present invention.

Respectfully submitted,
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